IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 14284 of 2004

Between:

1 Machavarapu Srinivasulu S/o Venkateswarlu, DKT NO. 63 ‘

Patta No. 262, aged about 35 years, Occ: coolie,
Mamidipalem Village, Ongole Mandal, Prakasam District.
2 Koppolu Tirumala Rao S/o Adaiah, DKT NO. 108 Patta No. 301,

Aged about 37 years, Occ:Coolie,
Mamidipalem Village, Ongole Mandal, Prakasam District.
3 Ch. Krishna Murthy, S/o Adaiah, DKT NO. 105, Patta No. 134,

Aged about 36 years,Occ: Coolie,
Mamidipalem Village, Ongole Mandal, Prakasam District.
4 Kandikattu Padma, W/o Srinu, DKT NO. 130, Patta No. 204,

Aged about 32 years, Occ:Coolie,
Mamidipalem Village, Ongole Mandal, Prakasam District
5 Kothamasi Bharathi, W/o Chalapathi Rao, DKT NO. 151,

Patta No. 4, Aged about 56 years, Occ:Social Worker,
Mamidipalem Village, Ongole Mandal, Prakasam District.
6 Vemuri Jyothi, W/o Hari Prasad, DKT NO. 151 Patta No. 27,

Aged about 30 years,Occ: Pan shop business,
Mamidipalem Village, Ongole Mandal, Prakasam District.
7 Kuttuboina Ramaiah, S/o Venkata Swamy, DKT NO. 151,

Patta No. 11, Aged about 50 years, Occ:Watchman,

Mamidipalem Village, Ongole Mandal, Prakasam District.
8 Kuttuboina Gopi Krishna, S/o Venkatdwarlu, DKT NO. 151,

Patta No. 10, Aged about 31 years, Occ:Coolie,

Mamidipalem Village, Ongole Mandal, Prakasam District.
9 Kanidarapu Narlankamma W/o Venkateswarlu, DKT NO. 160,

Patta No. 140, Aged about 35 years, Occ:Coolie,

Mamidipalem Village, Ongole Mandal, Prakasam District.
10 Teegati Eswari, W/o Venkatasiva, DKT NO. 160, Patta No. 141,

Aged about 30 years, Occ: labour,
Mamidipalem Village, Ongole Mandal, Prakasam District.
11 Kanidarapu Padma, W/o Amarnath, DKT NO. 160, Patta No. 142,

Aged about 32 years, Occ:Coolie,
Mamidipalem Village, Ongole Mandal, Prakasam District.

12 Gannavarapu Sridevi, W/o Venkateswarlu, DKT NO. 160,

Patta No. 143, Aged about 37 years, Occ:Coolie,

Mamidipalem Village, Ongole Mandal, Prakasam District.
13 Kolasani Janardhana Rao, S/o Ranganayakulu, DKT NO. 63,

Patta No. 270, Aged about 34 years, Occ:Coolie,

Mamidipalem Village, Ongole Mandal, Prakasam District.
14 Kathi Prabhavathi, W/o Samuel, DKT NO. 63, Patta No. 268,

Aged about 35 years, Occ: Coolie,
Mamidipalem Village, Ongole Mandal, Prakasam District.
15 Atla Sridhar, S/o Venkateswar Reddy, DKT NO. 160,

Patta No. 145, Aged about 40 years, Occ:Coolie,
Mamidipalem Village, Ongole Mandal, Prakasam District.
16 Machavarapu Venkateswarlu, S/o Seshaiah, DKT NO. 160,

Patta No. 144, Aged about 37 years, Occ:Coolie,

Mamidipalem Village, Ongole Mandal, Prakasam District.
17 Dasari Radha, W/o Raghuvulu, DKT NO. 152, Patta No. 203,

Aged about 32 years, Occ:Coolie,
Mamidipalem Village, Ongole Mandal, Prakasam District.
18 Amara Srinivasa Rao, S/o Subba Rao, DKT NO. 174,

Patta No. 675, Aged about 40 years, Occ:Coolie,
Mamidipalem Village, Ongole Mandal, Prakasam District.
19 Katakam Vamsi Kumar, S/o Mohan Rao, DKT NO. 152,

Patta No. 774, Aged about 30 years, Occ:Watchman,

Mamidipalem Village, Ongole Mandal, Prakasam District.
20 Katakam vikram Kumar, S/o Mohan Rao, DKT NO. 152 ,

Patta No. 775, Aged about 35 years, Occ:Coolie,

Mamidipalem Village, Ongole Mandal, Prakasam District .

..... PETITIONERS

AND

1 The District Collector, Ongole, Prakasham District.
2 The Superintendent of Police, Ongole, Prakasham District.
3 The Revenue Divisional sOfficer, Ongole, Prakasam District.
4 The Mandal Revenue Officer, Ongole, Prakasam District.
5 The Sub-Inspector of Police Taluka Police Station, Ongole,

Prakasham District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 4 and 5 in demolishing the petitioners houses constructed and dispossessing them from their respective plots allotted by way of pattas in Sy. No. 122 and 122/12 of Mamidipalem Village, Ongole Mandal, Prakasam District is illegal arbitrary and unconstitutional and consequently direct the respondents 4 and 5 not to dispossess the petitioners by demolishing the houses in Plot Nos. 262, 301, 134, 204, 4, 27, 11, 10, 140, 141, 142, 143, 270, 268, 145, 144, 203, 675, 774 and 775 allotted by way of D.K.T. Pattas.

Counsel for the Petitioners : MR.N.RAVI PRASAD

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

The petitioners, who are 20 in number, seek a declaration that the action of the respondents 4 and 5 namely the Mandal Revenue Officer, Ongole and the Sub-Inspector of Police, Taluka Police Station, Ongole respectively in demolishing the petitioners houses constructed on various plots allegedly assigned to them is illegal and arbitrary. They also seek an order restraining respondents 4 and 5 from

dispossessing the petitioners from their house plots.

It is the case of the petitioners that sometime in the year 2000, the Mandal Revenue Officer, Ongole assigned an extent Ac 0.02 cents of house site patta to the petitioners for constructing their houses, that they have constructed houses thereon, that when third parties tried to interfere with the possession of the petitioners, the Mandal Revenue Officer, Ongole passed orders under Section 145 of the Code of Criminal Procedure, 1973 and that while the same are in force, respondents 4 to 6 came to the houses on 25th and 26th of July 2004 and demolished the houses. Therefore, they filed the writ petition.

Along with the writ petition, the petitioners have annexed the house site pattas allegedly granted by the fourth respondent. This, *prima facie* proves the allegation that they were assigned house site pattas. Therefore, the matter is disposed of directing the respondents not to interfere with the possession of the petitioners in respect of the various plots, if the petitioners are in possession of the house site pattas, unless the petitioners are put on notice and due process of law is followed. These observations would safeguard the interest of the petitioners.

The writ petition, with the above observations, is disposed of.

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V.V.S.RAO, J

16.08.2004

vs

To

1 The District Collector, Ongole, Prakasham District.
2 The Superintendent of Police, Ongole, Prakasham District.
3 The Revenue Divisional Officer, Ongole, Prakasam District.
4 The Mandal Revenue Officer, Ongole, Prakasam District.
5 The Sub-Inspector of Police Taluka Police Station, Ongole,

Prakasham District.

6 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad(O.U.T).

7 Two CD copies.

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HON'BLE SRI JUSTICE V.V.S.RAO

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WRIT PETITION NO.14284 OF 2004

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Dated: 16-08-2004